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C O N F I D E N T I A L SECTION 01 OF 03 MEXICO 003305

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TAGS: PREL SMIG MX

SUBJECT: ENGAGING THE NEW MEXICAN ADMINISTRATION ON  
IMMIGRATION AND BORDER SECURITY

REF: MEXICO 3297 AND PREVIOUS

Classified By: AMBASSADOR ANTONIO O. GARZA, JR., REASONS; 1.4(B/D)

¶1. (C) Summary: This is the third in a series of six cables on transition issues in Mexico. We need to intensify the effort begun this year to engage Mexico in a constructive approach to border violence that yields a real-time law enforcement response to emergencies. Mexico also needs to improve its own controls along its southern border. Finally, in the context of immigration reform, it may be time to begin to urge Mexico to take a more direct role in helping us stop illegal crossings of our border. End summary.

A Constructive Approach to Border Violence

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¶2. (U) One of the things lacking in our border security relationship has been accountability. Criminals are adept at exploiting the weaknesses that exist where jurisdictions overlap. When incidents of violence occur along the border (shootings, rock throwing, fleeing fugitives), both governments have tended to fall into the trap of mutual recriminations. We need to create more space for cooperation and less space for criminals to operate. We have begun to do this in recent months and should accelerate these efforts with the new administration.

¶3. (U) Engagement: Working with Customs and Border Protection's U.S. Border Patrol and Office of Field Operations, we have begun carefully documenting incidents of border violence and sharing this information with the GOM via diplomatic notes. These notes provide a compelling picture of frequent assaults on U.S. law enforcement and illegal immigrants themselves and provide a clear justification for intensified bilateral law enforcement cooperation. We have begun working with the locally assigned federal officials of both governments in two areas, Laredo and Nogales, to develop protocols to facilitate this kind of cooperation. The focus is on real-time law enforcement response in the first 30 minutes of an incident of border violence. The concept includes regular exercises and after-action analysis to make this cooperation effective and habitual. The action plan signed March 3 in Brownsville by Secretaries Chertoff and Abascal provides the mandate for this.

¶4. (C) Activities:

-- We need a strong push from senior levels on the new Mexican administration to continue and intensify this effort. We need to take this effort to other areas of the border (we are already discussing with the GOM an expansion to San Diego, Yuma, El Paso, and McAllen) and, over time, need to

expand the range of incidents for which we develop and exercise protocols. If you have not seen border, you cannot understand the border. We should invite senior officials of the incoming administration to tour selected border areas, perhaps in October, accompanied by senior USG officials including Secretary Chertoff.

-- Resources permitting, we also need to look at the possibility of a modest program to fill some of the logistical and training gaps that are identified in our exercises (e.g., perhaps providing compatible communications equipment).

-- Besides including this topic in conversations with incoming senior officials, we suggest inviting those officials to observe an exercise so they can see for themselves that cooperation is possible. Our experience has been that once officials, even the skeptics, get involved in the process, they get "hooked" on the idea of how to make the joint response effective.

-- We also want to propose to the new administration how we can link this effort to something that should be of immediate interest to them, such as a joint program to find border bandits who prey on illegal immigrants.

-- We also plan to reach out early to the new Mexican Congress to encourage them to participate in border tours of the sort our Public Affairs Section has successfully sponsored for Mexican journalists.

-- The OASISS program, under which we turn over evidence on alien smugglers (and the smugglers) for prosecution in

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Mexico, has been a success. These are cases that the U.S. Attorney's have declined to prosecute. It is now set to expand from its beginnings in Arizona and California to New Mexico and west Texas. An early decision by the new administration to make it border wide would send a very positive message on cooperation and be a deterrent to smugglers, especially the guides who hope to escape prosecution in the U.S. even if caught.

-- Likewise, we and our colleagues in G/TIP have worked hard to get Mexico focused on trafficking in persons. Having an ICE agent here dedicated to this has been immensely helpful. The Mexican public is now conscious of the problem and would be receptive to strong joint law enforcement efforts. We need to send a strong signal of interest early on to our new counterparts.

-- We would also like to encourage a closer relationship at the airports. This has been a sensitive issue, especially following inaccurate and sensational press reporting on U.S. law enforcement liaison in those airports during a heightened U.S. state of alert in late 2003. There is much we (CBP and ICE) can do in terms of liaison and training (e.g., with a CBP agent on scene to answer questions and offer insights and ICE training on fraudulent documents or smuggling practices) that need not involve a U.S. presence visible to the general public.

Mexico's Southern Border

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**15. (C) Mexico's southern border is largely uncontrolled.**  
Illegal immigrants, dangerous criminals, and contraband move relatively freely there, much of this traffic headed for the U.S. Mexico would like to do a better job of controlling this border, and it is in our interest that they do so. The principal challenges for Mexico are resources and the professional capacity of the law enforcement agencies involved. The resource problem is exacerbated by the need to meet serious public security problems on the border with the U.S. and elsewhere in Mexico (e.g., Guerrero and Michoacan).

¶6. (C) Engagement: While demonstrating an understanding for the breadth of law enforcement challenges facing Mexico, we should begin discussing with the new administration the issue of improving controls along the southern border. In doing so, we should bear in mind that barring a new influx of assistance for Mexico, there are limits on what the USG can do to help, and we must be careful not distract the focus from our own more immediate problems on Mexico's northern border.

¶7. (C) Activities:

-- We (Secretary Chertoff would be an effective interlocutor here) should offer intelligence and whatever training we can target from our existing budget, but we should also encourage them to make this a priority.

-- Both for the southern border and elsewhere, the GOM should be encouraged to strengthen its National Institute of Migration (INM).

Immigration Reform

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¶8. (C) Finally, we of course do not know what form immigration reform may take in the U.S., but if, as we hope, the temporary worker program becomes a reality, we need to change the tenor of conversations about illegal immigration. At the most senior levels, it may be time to tell the GOM that while the U.S. has been remarkably tolerant of Mexico's refusal to impede illegal border crossers, a successful temporary worker program requires that Mexico do the needful (including legal changes if required) to empower its law enforcement agents to stop those who are violating the border. This would be a huge step for Mexico but not an unreasonable request as part of a joint effort to make a temporary worker program work as intended. We simply cannot have some Mexican workers lining up at our consulates for visas while thousands of others simply slip across the border. The new administration and the new Mexican Congress must understand that is not a sustainable situation.

¶9. (C) We should also ask for GOM cooperation in detecting and preventing fraud and abuse under any immigration reform program. For example, if immigration reform involves

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cut-off dates for participation by those already in the U.S. or particular eligibility requirements for temporary workers, there will surely be a corresponding rise in fraud. We will want GOM help in pursuing investigations and prosecutions in Mexico.

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